

REMARKS

Favorable reconsideration of this application as presented herein is requested. Claims 1-17 are pending in the present application.

In the Office Action mailed December 10, 2003, the Examiner rejected claims 1, 2, 4, 6, 7, 9, 11, 12, and 16 under 35 U.S.C. § 102(e) and claims 3, 5, 8, 10, 13-15, and 17 under 35 U.S.C. § 103(a).

Applicants respectfully respond to this Office Action.

Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 2, 4, 6, 7, 9, 11, 12, and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,510,515 to Raith et al.

The present invention relates to a method which includes transmitting a broadcast session on a broadcast transmission channel, and transmitting broadcast overhead information corresponding to the broadcast session of an overhead transmission channel. The broadcast service is transmitted by a content server and has a corresponding protocol stack having an application layer and a transport layer, such that the content server independently controls the application layer and the transport layer protocols.

The rejection contends that Raith discloses transmitting broadcast overhead information corresponding to the broadcast session on an overhead transmission channel wherein the broadcast information includes a broadcast service protocol option. With respect, the Examiner's argument is traversed. Raith neither teaches nor recites the transmission of the information regarding the protocol options on an overhead transmission channel and the advantages of such a transmission.

In the present invention, the High Speed Broadcast System (HSBS) service option is defined by: (1) a protocol stack; (2) options in the protocol stack; and (3) procedures for setting up and synchronizing the service. (See Applicants' specification, p.12, par.1058.) The broadcast service is designed to support different protocol options in the protocol stack. This requires the receivers of the broadcast service be informed of the protocol options selected to facilitate proper decoding and processing of the broadcast. In one embodiment, the CS provides this information

to the receiver as an overhead system parameter message, consistent with cdma2000 standard. The advantage to the receiver is the ability to receive the information immediately from the overhead message. In this way, the receiver may immediately determine whether the receiver has sufficient resources to receive the broadcast session. The receiver monitors the overhead system parameter messages. The system may implement a service option number corresponding to a set of parameters and protocols, wherein the service option number is provided in the overhead message. Alternately, the system may provide a set of bits or flags to indicate the different protocol options selected. The receiver then determines the protocol options for decoding the broadcast session correctly. (See Applicants' specification, pp.12-13, par.1060.) The protocol option makes the present invention more versatile because it can communicate with other types of users (i.e. IP users).

In Raith, the Broadcast Channel (BCCH) information includes characteristics of cells that are candidates for the mobile station to lock onto. This corresponds to overhead or control channel information and not to broadcast service protocol options. As mentioned above, the service protocol option as defined in claims 1, 6, 11, and 16 of the present invention includes procedures for setting up and synchronizing the service, such as service option numbers and sets of bits or flags. Raith does not describe these procedures for setting up and synchronizing the service.

Consequently, the Raith Patent does not anticipate the method as defined in claims 1, 6, 11, and 16 of the present application under 35 U.S.C. § 102(e) for at least the foregoing reasons. Claims 2, 4, 7, 9, 12 depend directly or indirectly from claims 1, 6, 11, and 16 and therefore include all the limitations of those independent claims. Since the Raith Patent does not render claims 1, 2, 4, 6, 7, 9, 11, 12, and 16 unpatentable Applicants respectfully submit that the rejections thereof be withdrawn by the Examiner.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 3, 8, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of U.S. Patent No. 6,614,804 to McFadden et al. To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation of, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations.

The rejection contends that McFadden discloses a broadcast service that is transmitted as Internet Protocol (IP) data packets. The IP allows a large batch of data to be broken up into small packets at a source such as a server, transmitted individually to a destination such as clients, and then reconstructed into the original batch of data. Although McFadden describes the IP, it does not make reference to a broadcast service protocol option. As mentioned above, a service protocol option is defined as: (1) a protocol stack; (2) options in the protocol stack; and (3) procedures for setting up and synchronizing the service. These three components do not correspond to IP data packets.

Additionally, absent hindsight of Applicants' invention, there is no motivation or suggestion to combine the Raith and McFadden references because Raith focuses on decoding of data whereas McFadden focuses on compression of data. To combine them requires modifying Raith to add another feature enabling compression of data.

Applicants thus respectfully submit that claims 3, 8, and 13 are not rendered obvious by the Raith Patent when considered alone or in combination with McFadden.

The Examiner also rejected claims 5, 10, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of U.S. Patent No. 6,032,197 to Birdwell. As mentioned above, the three components of service protocol option do not correspond to the IP data packets in Birdwell.

Additionally, absent hindsight of Applicants' invention, there is no motivation or suggestion to combine the Raith and Birdwell references because Raith focuses on decoding of data whereas Birdwell focuses on compression of data. To combine them requires modifying Raith to add another feature enabling compression of data.

Applicants thus respectfully submit that claims 5, 10, 14, and 15 are not rendered obvious by the Raith Patent when considered alone or in combination with Birdwell.

Finally, the Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Raith. As mentioned in the previous section, the service protocol option as defined in claim 17 of the present invention includes procedures for setting up and synchronizing the service, such

as service option numbers and sets of bits or flags. Raith does not describe these procedures for setting up and synchronizing the service.

Applicants thus respectfully submit that claim 17 is not rendered obvious by the Raith Patent.

Drawings

Applicants submit that the above amendments to the drawings do not make any substantive changes or introduce any new material but are simply the correction of typographical errors, which are consistent with the specification as originally submitted. Therefore, approval and entry of the above amendments are respectfully requested.

Specification

Applicants provide herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

The changes made are primarily typographical or grammatical in nature, or involve minor clarifications of awkward wordings.

Applicants present amendments to the specification to add text describing FIGs. 13 and 14. The text adds no new matter and is fully supported by the originally filed drawings and specification.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 3/4/2004

By: _____

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Expires: December 5, 2004

Harry I. Moatz
Director of Enrollment and Discipline

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